

Federal Communications Commission

§ 1.2003

amended, by whatever name that instrument may be designated, all applicants shall certify that neither the applicant nor any party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862. If a section 5301 certification has been incorporated into the FCC application form being filed, the applicant need not submit a separate certification. If a section 5301 certification has not been incorporated into the FCC application form being filed, the applicant shall be deemed to have certified by signing the application, unless an exhibit is included stating that the signature does not constitute such a certification and explaining why the applicant is unable to certify. If no FCC application form is involved, the applicant must attach a certification to its written application. If the applicant is unable to so certify, the applicant shall be ineligible for the authorization for which it applied, and will have 90 days from the filing of the application to comply with this rule. If a section 5301 certification has been incorporated into the FCC application form, failure to respond to the question concerning certification shall result in dismissal of the application pursuant to the relevant processing rules.

(b) A party to the application, as used in paragraph (a) of this section shall include:

(1) If the applicant is an individual, that individual;

(2) If the applicant is a corporation or unincorporated association, all officers, directors, or persons holding 5% or more of the outstanding stock or shares (voting and/or non-voting) of the applicant; and

(3) If the applicant is a partnership, all non-limited partners and any limited partners holding a 5% or more interest in the partnership.

(c) The provisions of paragraphs (a) and (b) of this section are not applicable to the Amateur Radio Service, the Citizens Band Radio Service, the Radio Control Radio Service, to users in the Public Mobile Services and the Private Radio Services that are not individually licensed by the Commission, or to

Federal, State or local governmental entities or subdivisions thereof.

(d) The provisions of paragraphs (a) and (b) of this section are applicable to spectrum lessees (see §1.9003 of subpart X of this part) engaged in spectrum manager leasing arrangements and *de facto* transfer leasing arrangements pursuant to the rules set forth in subpart X of this part.

[57 FR 187, Jan. 3, 1992, as amended at 58 FR 8701, Feb. 17, 1993; 60 FR 39269, Aug. 2, 1995; 68 FR 66277, Nov. 25, 2003]

EFFECTIVE DATE NOTE: At 68 FR 66277, Nov. 25, 2003, §1.2002 (d) was added. This amendment contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 1.2003 Applications affected.

The certification required by §1.2002 must be filed with the following applications and any other requests for authorization filed with the Commission, as well as for spectrum leasing notifications and spectrum leasing applications (see subpart X of this part), regardless of whether a specific form exists.

FCC 301 Application for Construction Permit for Commercial Broadcast Station;

FCC 301-A Application for Authority to Operate a Broadcast Station by Remote Control or to Make Changes in a Remote Control Authorization;

FCC 302 Application for New Broadcast Station License;

FCC 302—FM Application for FM Broadcast Station License;

FCC 303-S Application for Renewal of License for AM, FM, TV, Translator, or LPTV Station;

FCC 307 Application for Extension of Broadcast Construction Permit or to Replace Expired Construction Permit;

FCC 308 Application for Permit to Deliver Programs to Foreign Broadcast Stations;

FCC 309 Application for Authority to Construct or Make Changes in an International or Experimental Broadcast Station;

FCC 310 Application for an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License;

FCC 311 Application for Renewal of an International or Experimental Broadcast License;

FCC 313 Application for Authorization in the Auxiliary Radio Broadcast Services;

- FCC 313-R Application for Renewal of Auxiliary Broadcast License;
- FCC 314 Application for Consent to Assignment of Broadcast Station Construction Permit or License;
- FCC 315 Application for Consent to Transfer of Control of Corporation Holding Broadcast Station Construction Permit or License;
- FCC 316 Application for Consent to Assignment of Radio Broadcast Station Construction Permit or License or Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License;
- FCC 327 Application for Cable Television Relay Service Station Authorization;
- FCC 330 Application for Authorization to Construct New or Make Changes in an Instructional Television Fixed and/or Response Station(s), or to Assign or Transfer Such Stations;
- FCC 330-L Application for Instructional Television Fixed Station License;
- FCC 330-R Application for Renewal of Instructional Television Fixed Station and/or Response Station(s) and Low Power Relay Station(s) License;
- FCC 340 Application for Construction Permit for Noncommercial Educational Broadcast Station;
- FCC 345 Application for Transfer of Control of a Corporate Licensee or Permittee, or Assignment of License or Permit, for an FM or TV Translator Station, or a Low Power Television Station;
- FCC 346 Application for Authority to Construct or Make Changes in a Low Power TV, TV Translator or TV Booster Station;
- FCC 347 Application for a Low Power TV, TV Translator or TV Booster Station License;
- FCC 349 Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station;
- FCC 350 Application for an FM Translator or FM Booster Station License;
- FCC 401 Application for New or Modified Common Carrier Radio Station Authorization Under part 22 of this chapter.
- FCC 402 Application for Station Authorization in the Private Operational Fixed Microwave Radio Service;
- FCC 402-R Renewal Notice and Certification in the Private Operational Fixed Microwave Radio Service;
- FCC 403 Application for Radio Station License or Modification Thereof Under parts 23 or 25 of this chapter;
- FCC 404 Application for Aircraft Radio Station License;
- FCC 405 Application for Renewal of Radio Station License;
- FCC 405-A Application for Renewal of Radio Station License and/or Notification of Change to License Information;
- FCC 405-B Ship/Aircraft License Expiration Notice and/or Renewal Application;
- FCC 406 Application for Ground Station Authorization in the Aviation Services;
- FCC 407 Application for New or Modified Radio Station Construction Permit;
- FCC 409 Airborne Mobile Radio Telephone License Application;
- FCC 410 Registration of Canadian Radio Station Licensee and Application for Permit to Operate (Land Mobile);
- FCC 442 Application for New or Modified Radio Station Authorization Under part 5 of this chapter—Experimental Radio Service (Other than Broadcast);
- FCC 490 Application for Assignment or Transfer of Control Under part 22 of this chapter;
- FCC 493 Application for Earth Station Authorization or Modification of Station License (Proposed);
- FCC 494 Application for a New or Modified Microwave Radio Station License Under part 21 of this chapter;
- FCC 494-A Certification of Completion of Construction Under part 21 of this chapter;
- FCC 503 Application for Land Radio Station License in the Maritime Services;
- FCC 506 Application for Ship Radio Station License;
- FCC 574 Application for Private Land Mobile and General Mobile Radio Services;
- FCC 574-R Application for Renewal of Radio Station License;
- FCC 601 FCC Application for Wireless Telecommunications Bureau Radio Service Authorization;
- FCC 602 FCC Ownership Disclosure Information for the Wireless Telecommunications Services;
- FCC 603 Wireless Telecommunications Bureau Application for Assignment of Authorization and Transfer of Control; Notification or Application for Spectrum Leasing Arrangement;
- FCC 605 Quick Form Application for Authorization in the Ship, Aircraft, Amateur, Restricted and Commercial Operator, and General Mobile Radio Services.
- FCC 701 Application for Additional Time to Construct a Radio Station;
- FCC 702 Application for Consent to Assignment of Radio Station Construction Permit or License;
- FCC 703 Application for Consent to Transfer Control of Corporation Holding Station License;
- FCC 704 Application for Consent to Transfer of Control of Corporation Holding Common Carrier Radio Station Construction Permit or License;
- FCC 730 Application for Registration of Equipment to be Connected to the Telephone Network;
- FCC 731 Application for Equipment Authorization;

Federal Communications Commission

§ 1.2102

FCC 753 Restricted Radiotelephone Operator Permit Application;
FCC 755 Application for Restricted Radiotelephone Operator Permit—Limited Use;
FCC 756 Application for Commercial Radio Operator License.

[57 FR 187, Jan. 3, 1992, as amended at 57 FR 48333, Oct. 23, 1992; 59 FR 63051, Dec. 7, 1994; 63 FR 68942, Dec. 14, 1998; 68 FR 66277, Nov. 25, 2003]

EFFECTIVE DATE NOTE: At 68 FR 66277, Nov. 25, 2003, §1.2003 introductory text, and the entry for “FCC 603” were revised. This amendment contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

Subpart Q—Competitive Bidding Proceedings

SOURCE: 59 FR 44293, Aug. 26, 1994, unless otherwise noted.

GENERAL PROCEDURES

§ 1.2101 Purpose.

The provisions of this subpart implement Section 309(j) of the Communications Act of 1934, as added by the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103-66) and the Balanced Budget Act of 1997 (Pub. L. 105-33), authorizing the Commission to employ competitive bidding procedures to choose from among two or more mutually exclusive applications for certain initial licenses.

[63 FR 2340, Jan. 15, 1998]

§ 1.2102 Eligibility of applications for competitive bidding.

(a) Mutually exclusive initial applications are subject to competitive bidding.

(b) The following types of license applications are not subject to competitive bidding procedures:

(1) Public safety radio services, including private internal radio services used by state and local governments and non-government entities and including emergency road services provided by not-for-profit organizations, that

(i) Are used to protect the safety of life, health, or property; and

(ii) Are not commercially available to the public;

(2) Initial licenses or construction permits for digital television service given to existing terrestrial broadcast licensees to replace their analog television service licenses; or

(3) Noncommercial educational and public broadcast stations described under 47 U.S.C. 397(6).

(c) Applications in the following services or classes of services are not subject to competitive bidding:

(1) Alaska-Private Fixed Stations (*see* 47 CFR part 80, subpart O);

(2) Broadcast radio (AM and FM) and broadcast television (VHF, UHF, LPTV) under 47 CFR part 73;

(3) Broadcast Auxiliary and Cable Television Relay Services (*see* 47 CFR part 74, subparts D, E, F, G, H and L and part 78, subpart B);

(4) Instructional Television Fixed Service (*see* 47 CFR part 74, subpart I);

(5) Maritime Support Stations (*see* 47 CFR part 80, subpart N);

(6) Marine Operational Fixed Stations (*see* 47 CFR part 80, subpart L);

(7) Marine Radiodetermination Stations (*see* 47 CFR part 80, subpart M);

(8) Personal Radio Services (*see* 47 CFR part 95), except applications filed after July 26, 1993, in the Interactive Video Data Service (*see* 47 CFR part 95, subpart F);

(9) Public Safety, Industrial/Land Transportation, General and Business Radio categories above 800 MHz, including finder's preference requests for frequencies not allocated to the SMR service (*see* 47 CFR 90.173), and including, until further notice of the Commission, the Automated Vehicle Monitoring Service (*see* 47 CFR 90.239);

(10) Private Land Mobile Radio Services between 470-512 MHz (*see* 47 CFR part 90, subparts B-F), including those based on finder's preferences, (*see* 47 CFR 90.173);

(11) Private Land Mobile Radio Services below 470 MHz (*see* 47 CFR part 90, subparts B-F) except in the 220 MHz band (*see* 47 CFR part 90, subpart T), including those based on finder's preferences (*see* 47 CFR §90.173); and

(12) Private Operational Fixed Services (*see* 47 CFR part 94).